

Message Text

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DEPT PASS USDOC; ALSO AGRICULTURE MEEKER/FRASER

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TAGS: EAGR, ETRD, CA

SUBJ: CANADIAN LABELLING REQUIREMENTS, FEDERAL AND
QUEBEC PROVINCIAL

REF: (A) OTTAWA 3358; (B) STATE 178801

1. QUEBEC - CONFERENCE ON QUEBEC PROVINCIAL REGULATIONS ON SIGNS AND LABELS, SPONSORED BY BUSINESS LINGUISTIC CENTRE, IN COLLABORATION WITH QUEBEC AND MONTREAL COC'S MFGRS. ASSOCIATION AND BOARD OF TRADE HELD IN MONTREAL, SEPTEMBER 18. USG REPRESENTED BY LAGASSE, ECON/COMM OFFICER, MONTREAL CONGEN, AND AGRICULTURAL ATTACHE, OTTAWA.
2. LAGASSE WILL REPORT SEPTTEL ON GENERAL SESSIONS AS WELL AS SESSION ON NON-FOOD LABELLING, WHICH HELD AT SAME TIME AS FOOD LABELLING SESSION WHICH COVERED BY AGATT.
3. GENERAL IMPRESSIONS: (A) THESE REGULATIONS WILL UNQUESTIONABLY BECOME EFFECTIVE JANUARY 1, 1976 DESPITE SUBMISSIONS RECEIVED DURING CURRENT 90 DAY PERIOD AND DESPITE
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UNTOLD QUESTIONS FOR WHICH NO ANSWERS ARE YET

AVAILABLE. (B) THE PROVINCE OF QUEBEC WILL NOT RPT NOT PROVIDE GUIDANCE NOR IMPLEMENT ANY SYSTEM OF ADVANCE LABEL APPROVAL. ONE MAJOR FOOD FIRM STATED THAT IT HAD USED THREE DIFFERENT FRENCH TRANSLATIONS FOR "KEEP REFRIGERATED" AND EACH ONE HAS BEEN CHALLENGED AS IMPROPER FRENCH BUT THERE HAD BEEN NO SUGGESTION AS TO WHAT WOULD BE ACCEPTABLE. (C) AN OFFICIAL OF THE REGIE DE LA LANGUE FRANCAISE STATED THAT ONE SHOULD USE COMMON SENSE AND THAT QUESTIONS REGARDING PROPER FRENCH TRANSLATION CAN ONLY BE RESOLVED BY THE COURTS. NOTE: USE OF IMPROPER FRENCH CONSTITUTES A CRIMINAL OFFENSE. UNDER AN OLD QUEBEC LAW INFORMERS ARE PAID ONE-HALF OF ANY FINES RESULTING FROM THEIR REPORTING OF OFFENDERS.

5. FOOD LABELLING: THERE IS NO QUESTION THAT ALL CONTAINERS INCLUDING WHOLESALE CARTONS WILL HAVE TO BE LABELLED IN FRENCH. IT IS NOT CLEAR IF A CONTAINER VAN WILL BE CONSIDERED AS A CONTAINER IN THIS RESPECT. EVERYTHING THAT APPEARS IN ANY OTHER LANGUAGE (E.G. ENGLISH) MUST APPEAR IN FRENCH. WHILE COUNTRY OF ORIGIN NEED NOT APPEAR IN FRENCH THE WORDS "MADE IN" OR "PRODUCT OF" MUST BE IN FRENCH. REPRESENTATIVE OF LARGE SUPERMARKET CHAIN ADVISED AGATT THAT CHAIN WAS CONCERNED ABOUT CANNED FROZEN ORANGE JUICE WHICH IT IMPORTS UNLABELLED AND APPLIES BILINGUAL LABEL IN CANADA. HOWEVER, CAN HAS "OPEN OTHER END" IMPRINTED ON BOTTOM IN ENGLISH ONLY. THIS ACCORDING TO SUPERMARKET REP WILL BE IN VIOLATION OF QUEBEC REGULATIONS AND PROBABLY FEDERAL REGULATIONS.

5. EMBASSY WOULD URGE AFFECTED U.S. PRIVATE PARTIES TO SUBMIT COMMENTS AND QUESTIONS DIRECTLY TO QUEBEC AUTHORITIES ASAP. THERE IS NO ASSURANCE THAT QUEBEC WILL BE RESPONSIVE BUT THE ABSENCE OF EXPRESSED CONCERN FROM U.S. SUPPLIERS COULD WEAKEN USG EFFORTS IN FUTURE.

6. FEDERAL REGULATIONS - EXTAFH HAS NOT YET FIXED DATE FOR MEETING REQUESTED ON ABOVE QUESTION BUT HAS TOLD LIMITED OFFICIAL USE

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EMBASSY IT WILL PROPOSE DATE IN NEXT FEW DAYS. EMBASSY ANTICIPATES MEETING WILL PROBABLY BE HELD WEEK OF SEPTEMBER 29.

7. AS TO STRATEGY, EMBASSY IS INTERESTED TO LEARN FROM DEPT IF USG HAS IDENTIFIED BASES FOR OUTRIGHT OBJECTION AS RESULT OF GATT COMMITMENTS, AGREEMENTS THROUGH CODEX, OR OTHER INTERNATIONAL BODIES.

8. IF USG UNABLE TO OBJECT ON LEGAL BASIS, EMB WOULD SUGGEST FOLLOWING APPROACH: (A) POINT OUT THAT BILINGUAL LABELLING OF WHOLESALE CARTONS IS UNNECESSARY, COSTLY AND CONSTITUTES AN UNDUE BURDEN ON TRADE. (B) USG HAS NO CONCERN OVER LABELLING REQUIRED FOR DOMESTIC SHIPMENTS WITHIN CANADA. HOWEVER USG ASKS GOC TO CONSIDER MODIFYING REGULATIONS TO PERMIT WHOLESALE CONTAINERS (I.E. NON CONSUMER PACKAGED ITEMS) TO ENTER CANADA WITH ENGLISH LABELLING MAKING IT THE RESPONSIBILITY OF THE IMPORTER TO AFFIX NECESSARY BILINGUAL LABELLING ONCE PRODUCT MOVES BEYOND POINT OF ORIGINAL CANADIAN CONSIGNMENT. (C) WHETHER OR NOT GOC PREPARED TO CONSIDER ABOVE MODIFICATION EMBASSY HAS GOOD REASON TO BELIEVE THAT STRONG CASE CAN BE MADE FOR DELAY OF ONE YEAR (TO MARCH 1, 1977) FOR FEDERAL LABELLING REQUIREMENTS ON ALL NON-CONSUMER PACKAGED PRODUCTS. IN THIS CONNECTION EMBASSY WOULD WISH POINT OUT THAT WHILE CANADA'S FEDERAL REGULATIONS ON CONSUMER PACKAGES HAVE BEEN KNOWN SINCE SEPTEMBER 1973, USG HAS NOT RPT NOT YET SEEN OR RECEIVED ANY OFFICIAL NOTIFICATION REGARDING BILINGUAL LABELLING REQUIREMENTS FOR WHOLESALE/BULK CARTONS OR CONTAINERS. (D) IN ADDITION TO ACTUAL LABELLING REQUIREMENTS WE HAVE REASON TO BELIEVE THAT DOCUMENTATION REQUIRED BY VARIOUS CANADIAN LAWS TO ACCOMPANY IMPORTS MAY BECOME SUBJECT TO BILINGUAL REQUIREMENTS. THIS COULD INCLUDE SALES CONTRACTS, U.S. OFFICIAL GRADING CERTIFICATES, REGISTRATION CERTIFICATES IN THE CASE OF PUREBRED LIVESTOCK, AD INFINITUM. NOTE: THE QUEBEC REGULATIONS WILL UNDOUBTEDLY REQUIRE THIS BUT ENFORCEMENT IS ANOTHER QUESTION.

9. WITH RESPECT TO USG CONCERN AND QUESTIONS
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ON QUEBEC REGULATIONS EMB PREPARING LIST OF QUESTIONS DESIGNED TO COVER REPRESENTATIVE POINTS ON TRADE SPECTRUM EXCLUDING CONSUMER PACKAGED ITEMS. EMBASSY SUGGESTS USG REQUEST GOC USE ITS GOOD OFFICES TO OBTAIN ANSWERS TO THESE QUESTIONS ALTHOUGH WE ARE NOT SANGUINE THAT QUEBEC GOVERNMENT WILL BE RESPONSIVE.

10. IN ABSENCE OF FURTHER INSTRUCTIONS FROM DEPT PRIOR TO EXPECTED MEETING WITH GOC, EMBASSY WILL EXPLORE QUESTION ALONG FOREGOING LINES. WHILE ABOVE FOCUSES ON AGRICULTURAL LABELLING EMBASSY INTENDS ALSO TO QUESTION IMPLICATIONS FOR NON AGRICULTURAL WHOLESALE TRADE.
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